

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SENAIDA COLEMAN,

Plaintiff,

VS.

MICHAEL J ASTRUE,

Defendant.

§
§
§
§
§
§
§

CIVIL ACTION NO. C-10-350

**ORDER GRANTING UNOPPOSED MOTION
FOR ATTORNEY FEES AND EXPENSES**

On April 15, 2011, judgment was entered granting the Commissioner's unopposed motion to remand and remanding this case to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) so that the ALJ could obtain supplemental testimony from a vocational expert to determine whether plaintiff can perform jobs that exist in the national economy (D.E. 15). The Commissioner did not appeal the decision.

On July 1, 2011, plaintiff filed her unopposed motion for attorney fees and costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (D.E. 17). The Commissioner did not file a response, and counsel for plaintiff represented in her motion that the Commissioner was unopposed to the granting of attorney fees as requested (D.E. 17 at 8).¹

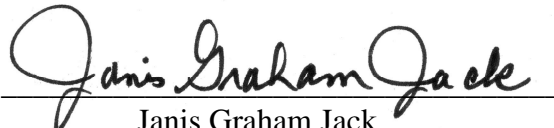
Accordingly, plaintiff's motion (D.E. 17) is granted. As required by 28 U.S.C. § 2412, the Court finds, as alleged, that plaintiff is a prevailing party, that the position of the United States was not substantially justified, and the plaintiff's net worth does not exceed \$2,000,000.

The Court further finds reasonable the request that plaintiff be compensated for the services of

¹ In addition, pursuant to the Local Rules for the Southern District of Texas, failure to file a response is taken as a representation that a party is unopposed to the granting of the relief requested. LR7.4.

her attorney at a rate of \$169.66 per hour for 29.84 hours and \$60 per hour for 1.50 hours of paralegal/clerical work, for a total award of \$5,152.65. This sum is payable to plaintiff by the Commissioner. *Astrue v. Ratliff*, ___ U.S. ___, 130 S.Ct. 2521 (2010).

SIGNED and ORDERED this 28th day of July, 2011.


Janis Graham Jack
Senior United States District Judge